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**Wisconsin Federation of Cooperatives  
Minnesota Association of Cooperatives**



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The Minnesota Association of Cooperatives (MAC) and the Wisconsin Federation of Cooperatives (WFC) represent more than 350 cooperative businesses, many of whom are registered carriers of hazardous materials and employ a number of drivers required to maintain a commercial drivers license (CDL) with a "H" endorsement as a condition of employment. A number of the organizations' members have expressed serious concerns regarding the background check timeframe for individuals seeking to obtain a new CDL with an "H" endorsement. MAC and WFC are appreciative of the opportunity to submit the following comments regarding background checks of drivers transporting hazardous materials in the Agency's interim final rule (HM-232C).

The 90-day waiting period for CDL drivers seeking to obtain "H" endorsement for the first time would seem to be practical, but for seasonal drivers, the timeframe is as long as the drivers haul hazardous materials in some instances. This is especially true for deliveries of heating fuels and agricultural supplies.

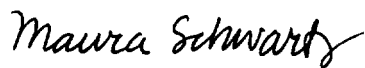
In rural communities, where many of the organizations' hazardous material carriers operate, it is very difficult to find CDL drivers that also have a "H" endorsement. In most new-hire situations, the driver obtains a "H" endorsement after being hired by the cooperative. Under the 90-day waiting period proposal, a driver seeking a first-time "H" endorsement at the time of hire will be one less driver available in an extremely tight driver pool, especially for seasonal employers.

The 90-day waiting period could result in tangible impacts to public health and welfare, especially for families that rely on the delivery of fuels for heat in the winter and for producers that have a limited window for planting and harvesting their crops.

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While the organizations' support the intent of the U.S. PATRIOT ACT to better ensure the safety of us all, the 90-day delay creates a significant hardship for seasonal businesses and new hazardous materials drivers. The Agency has not justified the need for such a delay or taken actions to minimize the impact on seasonal operations. As an alternative, the Agency should consider the creation of an expedient process that guarantees a 30-day turnaround. The expedited service could be supported with an additional fee set by each state.

Our nation must take terrorist security threats seriously. However, the 90-day delay will significantly affect the livelihood of seasonal drivers and will create enormous employment obstacles for seasonal hazardous material transporters. No matter what the Agency finally decides as an appropriate period for conducting its background checks, delays affect people, businesses, and this nation's economy.

A handwritten signature in black ink that reads "Maura Schwartz". The signature is written in a cursive, flowing style.

Maura Schwartz  
Managing Director

copy: Senator Mark Dayton  
Senator Norm Coleman